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March 16, 2006

The Honorable Michael Chertoff
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Chertoff,

On Wednesday, March 8, 2006, I met with your staff at the Department of Homeland Security (DHS) to discuss the new eligibility guidelines for the Urban Area Security Initiative (UASI) grant. Since learning that Sacramento may lose UASI funding, I have been working to secure necessary information to understand the new eligibility guidelines. While I appreciate the information I received at the briefing, it was evident from the meeting that the new process lacks depth and fails to consider critical information that I believe must be addressed before next year.

Sacramento is home to numerous sites that could be targeted for possible attacks and has greatly benefited from previous UASI funding. I anticipated learning at the briefing about how DHS analyzed and weighed Sacramento terrorism cases, threats and critical infrastructure. However, what I came to understand is that there is a lack of transparency regarding the process. As a Member of Congress, I have serious concerns that DHS hastily omitted sites of significance from consideration, and neglected to obtain all of the information necessary to determine UASI eligibility.

After attending this briefing, I have determined that not all critical infrastructure has been considered. For example, Folsom Dam, which sits immediately upstream from the City of Sacramento, if attacked, poses a great threat and was not included in the Sacramento Urban Area. Even more alarming is that DHS did not take into account that a terrorist attack on the Dam would have devastating consequences on lives, property and the economy. Unfortunately, this exemplifies a greater problem; mainly, DHS did not take into account the consequences of attacks on all of the critical infrastructure that should have been relevant.

It also appears that DHS has not implemented a comprehensive system to compare geographic regions by failing to establish definitions for pieces of critical infrastructure. I learned that since municipalities have different definitions of critical infrastructure, such as railyards and dams, DHS simply ignored this category of infrastructure rather than create a national definition. This shows that DHS has not created a system or set of standards to assess all critical infrastructure sites with the input of states and local municipalities. This must be

improved in order for DHS to accurately distribute funds based on complete infrastructure assessment.

Finally, at all levels, DHS failed to reach out to the people on the ground. Local law enforcement and first responders are our greatest assets; in fact, the 9/11 commission concluded that state and local law enforcement agencies must have a growing role. Yet DHS is not consulting with them. Additionally, around 85% of infrastructure in the U.S. is privately owned, but DHS has no means to reach out to the private sector. Partnering with the private sector to learn more about the security risks and needs of privately-owned infrastructure seems a vital part of any risk analysis, especially in urban areas.

Based on the information that I received in the briefing, the new guidelines seem to omit critical elements relating to our security responsibilities. I have an obligation to ensure that we are meeting our national security needs and a responsibility to my constituents to fully understand why Sacramento would have been considered ineligible under the new guidelines. In order to do that, I need to have all of the information necessary to understand the new guidelines DHS has adopted.

Unfortunately, Wednesday's briefing only revealed the seemingly capricious decisions instituted by DHS. It is important that DHS address these concerns to ensure increased transparency and understanding of the process before the next UASI review is conducted. As such, I would like to receive a response from you indicating what steps DHS plans on taking to address these serious concerns. I look forward to your responses to the issues I raised in this letter, and continued discussions on the process by which DHS evaluated areas for UASI eligibility.

Sincerely,


DORIS O. MATSUI
Member of Congress